

REMARKS

Applicants hereby traverse the current objections and rejections, and request reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 1-4, 6-8, 10-11, 13-17, and 19-27 are pending in this application.

Claim Objections

Claim 26 stands objected to for the informalities listed on page 2 of the Action. Claim 26 has been amended to correct a typographical error. The claim has been amended only for the purpose of resolving the cited informality, and not for the purpose of narrowing its scope in the face of prior art. No new matter has been entered. As this amendment addresses the recited informality, Applicants respectfully request the withdrawal of the objection of record.

Rejection Under 35 U.S.C. § 102

Claims 1-4, 6-8, 10-11, 13-17, and 19-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Farrell et al. (US '663, hereinafter Farrell).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicants respectfully assert that the rejection does not satisfy these requirements.

Claim 1 defines a method of determining autonomous system volume data that includes collecting routing information base data for each of the at least one router, the routing information base data identifying at least one selected autonomous system path for a destination

address; and for each destination address identified in the data flow statistics, correlating one of the data flow statistics corresponding to the destination address to each autonomous system included in the at least one selected autonomous system path corresponding to the destination address thereby yielding autonomous system volume data. Farrell does not disclose at least these limitations. While Farrell may receive network flow information and produce records based on the information, Farrell does not collect routing information base data. Moreover, Farrell does not correlate the data flow statistics ... to the destination address. Thus, Farrell does not teach all of the claimed limitations. Therefore, the Applicants respectfully assert that for the above reasons claim 1 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 14 a system for determining autonomous system volume data that a routing information base collection node adapted to periodically collect routing information base data from the at least one router; and a correlation node adapted to, for each destination address identified in the data flow statistics, correlate one of the data flow statistics corresponding to the destination address to each autonomous system included in the at least one selected autonomous system path corresponding to the destination address and thereby yield autonomous system volume data. Farrell does not disclose at least these limitations. While Farrell may receive network flow information and produce records based on the information, Farrell does not collect routing information base data. Moreover, Farrell does not correlate the data flow statistics ... to the destination address. Thus, Farrell does not teach all of the claimed limitations. Therefore, the Applicants respectfully assert that for the above reasons claim 14 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 22 defines a method of generating autonomous system volume data that includes detecting at least one first data flow having a first volume and directed toward a first destination address; identifying a first selected autonomous system path in a routing information base over which said first data flow is routed; and for each autonomous system in the first selected autonomous system path, incrementing a counter by an amount indicating the first volume. Farrell does not disclose at least these limitations. While Farrell may receive network flow

information and produce records based on the information, Farrell does not generate autonomous system volume data. Moreover, Farrell does not identify a first selected autonomous system path. Farrell may detect errors (column 19, line 8), may monitor traffic over a link (column 23, line 44), and may monitor ports (column 6, line 12), but Farrell does not identify an autonomous system path. Furthermore, Farrell does not increment a counter for each autonomous system path. Farrell may maintain counters for tracking packets in/out or bytes in/out (column 6, line 12), may use a summation process on data (column 17, line 29), and may store network accounting records (column 21, line 22), but Farrell does not have a counter for each autonomous system path. Thus, Farrell does not teach all of the claimed limitations. Therefore, the Applicants respectfully assert that for the above reasons claim 22 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 25 defines a method of generating autonomous system volume data that includes detecting at least one first data flow having a first volume and directed toward a first destination address; identifying a first selected autonomous system path in a routing information base over which said first data flow is routed and for each autonomous system in a first synthetic autonomous system path constructed using the at least one first selected autonomous system path incrementing a counter by an amount indicating the first volume. Farrell does not disclose at least these limitations. While Farrell may receive network flow information and produce records based on the information, Farrell does not generate autonomous system volume data. Moreover, Farrell does not identify a first selected autonomous system path. Farrell may detect errors (column 19, line 8), may monitor traffic over a link (column 23, line 44), and may monitor ports (column 6, line 12), but Farrell does not identify an autonomous system path. Furthermore, Farrell does not increment a counter indicated a volume for each autonomous system path. Farrell may maintain counters for tracking packets in/out or bytes in/out (column 6, line 12), may use a summation process on data (column 17, line 29), and may store network accounting records (column 21, line 22), but Farrell does not have a counter associated with each autonomous system path. Thus, Farrell does not teach all of the claimed limitations. Therefore,

the Applicants respectfully assert that for the above reasons claim 25 is patentable over the 35 U.S.C. § 102 rejection of record.

Claims 2-4, 6-8, 10-11, 13, 15-17, 19-21, 23-24, and 26-27 depend from base claims 1, 14, 22, 25, respectively, and thus inherit all limitations of their respective base claim. Each of claims 2-4, 6-8, 10-11, 13, 15-17, 19-21, 23-24, and 26-27 sets forth features and limitations not recited by Farrell. Thus, the Applicants respectfully assert that for the above reasons claims 2-4, 6-8, 10-11, 13, 15-17, 19-21, 23-24, and 26-27 are patentable over the 35 U.S.C. § 102 rejection of record.

Conclusion

Claims 22 and 26 have been amended to correct typographical errors. The claims have been amended only for the purpose of resolving the cited informality, and not for the purpose of narrowing its scope in the face of prior art. No new matter has been entered.

In view of the above, Applicants believe the pending Application is in condition for allowance.

Applicants respectfully request that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1078, under Order No. 10010635-01 from which the undersigned is authorized to draw.

Dated: July 9, 2007

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV568269103US, on the date shown below in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 9, 2007

Signature: 

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